

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

CASE NO. 5:07-CV-347-D

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LULU ENTERPRISES, INC.,

Plaintiff,

v.

N-F NEWSITE, LLC,

and

HULU TECH, INC.,

Defendants.

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**MEMORANDUM IN SUPPORT  
OF PLAINTIFF'S  
MOTION FOR TEMPORARY  
RESTRAINING ORDER**

Pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, Plaintiff Lulu Enterprises, Inc. ("Lulu") has moved this Court for a temporary restraining order. The precise terms of the desired order are set forth in the accompanying Motion for Temporary Restraining Order. The reasons for granting the motion are, for the most part, the same as the bases for the granting of a preliminary injunction. In the interests of brevity, therefore, Lulu incorporates by reference its Memorandum of Law in Support of Motion for Preliminary Injunction and the authorities cited therein, and the Affidavit of Robert Young ("Young Aff.") being filed contemporaneously herewith.

In addition, Lulu submits that the issuance of a temporary restraining order is the only means of avoiding irreparable harm to its business. Defendants have announced

their intention to begin Beta testing their services using the infringing HULU name and marks in October, 2007. See Young Aff. ¶ 10; Compl Ex. F. Thus, under Local Civil Rule 7.1, EDNC, Lulu's motion for preliminary injunction is unlikely be briefed, argued, and ruled upon in time to adequately protect Lulu against the continuing and irreparable harm to its business threatened by Defendants' announced plans.

### **CONCLUSION**

For the reasons set forth herein, and for all of those set forth in Lulu's Memorandum in Support of Motion for Preliminary Injunction, Lulu respectfully requests that the Court impose a temporary restraining order containing the terms specified in the accompanying Motion for Temporary Restraining Order.

Respectfully submitted this the 10th day of September, 2007

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